

REMARKS/ARGUMENTS

On September 5, 2006, Applicant, by one of its attorneys, Philip Braginsky, provisionally elected with traverse (by telephone) the claims of Group I directed to a suture with a plurality of sections, for prosecution on the merits in the present application. The undersigned attorney affirms this election.

Claims 1-15 and 21-24 are withdrawn.

Claims 16-20 are canceled from this application without prejudice.

Claims 25-49 are added.

A. Objections to the Abstract

The abstract was objected to because it was not informative.

The abstract has been amended. Accordingly, the above objection should be withdrawn.

B. Objections to the Specification

The specification was objected to because informalities.

The specification has been amended to overcome the informalities. Accordingly, the above objection should be withdrawn.

C. Claim Rejection Under 35 U.S.C. § 102(b)

1. Claims 16-20 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,613,059 to Schaller, et al. (hereafter "Schaller").

Claims 16-20 have been canceled. Accordingly, the above rejection is considered moot.

2. Claims 16-19 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,454,8343 to Boebel, et. al. (hereafter "Boebel").

Claims 16-20 have been canceled. Accordingly, the above rejection is considered moot.

D. New Claims

New claims 25-49 have been added to the application.

These claims (Claims 25-49) are not anticipated by Schaller or Boebel – taken either alone or in combination. Anticipation requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. (Richardson v. Suzuki Motor Co., 8 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

Schaller and Boebel do not recite each and every element of independent claims 25, 35 and 40. Since, Schaller and Boebel do not teach or suggest each and every element of claims 25, 35 and 40, as arranged in the claims, claims 25, 35 and 40 are not anticipated.

Claims 26-34, 36-39 and 41-49 depend directly or indirectly from claims 25, 35 and 40, respectively. Since these claims (claims 26-34, 36-39 and 41-49) incorporate all the limitations of claims 25, 35 and 40, they are likewise not anticipated for the same reasons as asserted with regard to claims 25, 35 and 40.

II. Conclusion

In view of the aforementioned remarks and amendments, the Applicants believe that each of the pending claims is in condition for allowance. If, upon receipt and review of this amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicants' undersigned counsel at the number provided below.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 03-1250 (Ref. No.: 040027U009CIP3).

Respectfully submitted,

Date: February 26, 2007

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